

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA, <i>EX REL.</i>)	
DEBORAH RADKE, AS RELATOR)	
UNDER THE FALSE CLAIMS ACT,)	
)	
Relator/Plaintiff,)	Case No. 1:12-cv-06238
v.)	
)	Honorable Sharon Johnson Coleman
SINHA CLINIC CORP., BABER AND)	
ASSOCIATES, LLC, SHOBA SINHA, M.D.,)	
and SABRINA YOUNG, PH.D., PSY.D.,)	
)	
Defendants.)	

DEFENDANT BABER’S MOTION TO DISMISS

Defendant, Riaz Baber, M.D., S.C. (“Baber”), incorrectly sued as Baber and Associates, LLC, by and through its attorneys, David J. Tecson and Ryan A. Haas of Chuhak & Tecson, P.C., files this Motion to Dismiss pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, and in support hereof, states as follows:

1. Relator/Plaintiff, Deborah Radke (“Radke”) filed a five-count *qui tam* action under seal alleging violations of the False Claims Act (“FCA”) (Counts One, Two and Three) and violations of the Illinois Insurance Claims Fraud Prevention Act (“ICFPA”) (Counts Four and Five).
2. The allegations asserted against Baber, even if accepted as true, fail to plead a recognized cause of action pursuant to the FCA and they also fail to plead a cause of action pursuant to the ICFPA.
3. Baber incorporates by reference herein, Baber’s Memorandum of Law in Support of Motion to Dismiss, which fully describes the defects in the Complaint which require dismissal with prejudice.

4. Pursuant to the terms of the ICFPA, Baber is entitled to an award of the attorneys' fees incurred associated with this Motion, as well as court costs as the prevailing party.

WHEREFORE, Riaz Baber, M.D., S.C., respectfully requests that the Court grant this Motion, dismissing the action filed by the Relator/Plaintiff with prejudice, while awarding him reasonable attorneys' fees and costs associated with the defense of this case.

DATED: February 20, 2015

Respectfully Submitted,

RIAZ BABER, M.D., S.C.

By: s/ David J. Tecson
One of His Attorneys

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